

Alberty Paul
December 19, 2018

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COPY

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 ANTHONY ANDRE PAUL AND ALBERTY PAUL, AS CO-ADMINISTRATOR OF THE
5 ESTATE OF ANTHONY ANDRE PAUL, II DECEASED,

6 Plaintiffs,

7 -against- Civil Action No.:
8 16-cv-01952

9 THE CITY OF NEW YORK, NORTH CENTRAL BRONX HOSPITAL, NEW YORK CITY
10 HEALTH AND HOSPITALS CORPORATION, DEPUTY CHIEF VINCENT GIORDANO,
11 INDIVIDUALLY AND IN HIS CAPACITY AS A MEMBER OF THE NEW YORK CITY
12 POLICE DEPARTMENT, CAPTAIN EUGENE MCCARTHY, INDIVIDUALLY AND IN
13 HIS CAPACITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT,
14 LIEUTENANT MICHAEL LICITRA, INDIVIDUALLY AND IN HIS CAPACITY AS A
15 MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE ANTHONY
16 DIFRANCESCA, INDIVIDUALLY, AND IN HIS CAPACITY AS A MEMBER OF THE
17 NEW YORK CITY POLICE DEPARTMENT, DETECTIVE RICHARD HEFNER,
18 INDIVIDUALLY AND IN HIS CAPACITY AS A MEMBER OF THE NEW YORK CITY
19 POLICE DEPARTMENT, POLICE OFFICER ARAMIS RAMOS, INDIVIDUALLY AND
20 IN HIS CAPACITY AS A MEMBER OF THE NEW YORK CITY POLICE
21 DEPARTMENT, DETECTIVE DARREN MCNAMARA, INDIVIDUALLY AND HIS
22 CAPACITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT,
23 DETECTIVE ANDREW MCCORMACK, INDIVIDUALLY AND IN HIS CAPACITY AS A
24 MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE FINBARR
25 MCCARTHY, INDIVIDUALLY AND IN HIS CAPACITY AS A MEMBER OF THE NEW

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1 YORK CITY POLICE DEPARTMENT, SERGEANT O'DOHERTY, INDIVIDUALLY AND
2 HIS CAPACITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT,
3 JOHN AND JANE DOES, SAID NAMES BEING FICTITIOUS AND INTENDED TO
4 REPRESENT INDIVIDUAL OFFICERS, MEMBERS, AGENTS, SERVANTS AND OR
5 EMPLOYEES OF THE NEW YORK CITY POLICE DEPARTMENT, NEW YORK CITY
6 HEALTH AND HOSPITALS CORPORATION, NORTH CENTRAL BRONX HOSPITAL,
7 AND OR NEW YORK CITY EMERGENCY MEDICAL SERVICES OF THE NEW YORK
8 CITY FIRE DEPARTMENT IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY,
9 Defendants.

10 -----X

11 61 BROADWAY
12 26TH FLOOR
13 NEW YORK, New York 10006

14 DECEMBER 19, 2018
15 10:40 a.m.

16 EXAMINATION BEFORE TRIAL of ALBERTY PAUL, the Plaintiff
17 in the above-entitled action, pursuant to Order, held at the
18 above time and place, and taken before NAOMI KATZ, a reporter and
19 Notary Public within and for the State of New York.

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1 A P P E A R A N C E S:

2
3 FURMAN, KORNFELD & BRENNAN, LLP.

4 Attorneys for Defendants - New York City Health and Hospital
and North Central Bronx
61 Broadway, 26th floor
5 New York, New York, 10006
BY: KAITLIN DRUMMOND, ESQ.
6

7 THE COCHRAN FIRM

8 Attorneys for Plaintiffs
55 Broadway, 23rd Floor
New York, New York, 10006
9 BY: STEPHANIE CORREA, ESQ.

10
11 NEW YORK CITY LAW DEPARTMENT, OFFICE OF THE CORPORATION COUNSEL

12 Attorneys for Defendants
100 Church Street
New York, New York, 10007
13 BY: SUSAN P. SCHARFSTEIN, ESQ.

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1 IT IS HEREBY STIPULATED AND AGREED,
2 by and between counsel for the respective
3 parties hereto, that the filing, sealing and
4 certification of the within deposition shall
5 be and the same are hereby waived;

6
7 IT IS FURTHER STIPULATED AND AGREED
8 that all objections, except as to the form
9 of the question, shall be reserved to the
10 time of the trial;

11
12 IT IS FURTHER STIPULATED AND AGREED
13 that the within deposition may be signed
14 before any Notary Public with the same force
15 and effect as if signed and sworn to before
16 the Court.

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1 ALBERTY PAUL

2 ALBERTY PAUL,

3 the witness herein, having first been
4 duly sworn by a Notary Public of the
5 State of New York, was examined and
6 testified as follows:

7

8 EXAMINATION BY

9 MS. DRUMMOND:

10 Q. Please state your name for the
11 record.

12 A. Alberty Paul.

13 Q. Please state your address.

14

15

16 Q. Good morning, Mr. Paul.

17 A. Good morning.

18 Q. My name is Kaitlin Drummond.

19 I'm an associate at the law firm of
20 Furman, Kornfeld & Brennan and we
21 represent New York City Health and
22 Hospital, North Central Bronx Hospital
23 in an action that has been brought on
24 behalf of Mr. Anthony Andre Paul.

25 Have you provided sworn

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1 ALBERTY PAUL
2 testimony, either at a deposition or in
3 court ever before?

4 A. No, I have not.

5 Q. So I will just explain a little
6 bit. I'm sure it's already been
7 explained to you, but I will explain a
8 little bit about the ground rules for
9 today, okay?

10 A. Okay.

11 Q. First is that we have a court
12 reporter here, obviously. So she'll be
13 taking down everything that's said.
14 Along that same line, I need you to
15 keep your answers verbal. She cannot
16 take down gestures of your head, such
17 as shakes or nods. And also, along
18 that line, you need to wait for me to
19 finish my question completely before
20 you start your answer. It's very
21 natural to anticipate what I'm going to
22 say and start to answer. But she can
23 only take down one voice at a time,
24 okay?

25 A. Okay.

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1 ALBERTY PAUL

2 Q. If at any time you need a break,
3 that's fine. I just that ask that if
4 there's a pending question, you provide
5 an answer to that question before we
6 take a break, okay?

7 A. Yes.

8 Q. If there's anything unclear
9 about my question, please let me know.
10 I'll do my best to rephrase. But if
11 you provide an answer to the question
12 I'll assume you understand it, okay?

13 A. Yes.

14 Q. Did you take any medications
15 today that may affect your ability to
16 provide truthful and accurate
17 testimony?

18 A. No.

19 Q. Did you speak with anyone prior
20 to this deposition about the
21 deposition, besides your attorney?

22 A. No.

23 Q. Did you review anything in
24 preparation for this deposition?

25 A. I spoke to my attorney two days

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1 ALBERTY PAUL

2 ago about the case.

3 Q. Did you review any documents in
4 preparation along with that
5 conversation? I don't want to know
6 what was discussed. But did you review
7 anything?

8 A. Yes.

9 Q. What did you review?

10 A. The case.

11 Q. I guess what I'm asking is, did
12 you review specific materials?

13 A. No, nothing specific.

14 Q. Just a discussion?

15 A. Just a discussion.

16 Q. Were there any visual aids that
17 were used in that discussion that were
18 not created by your attorney?

19 A. No.

20 Q. Have you spoken with anyone
21 about this case, beside your attorneys?

22 A. Besides my attorney?

23 Q. Yes.

24 A. My wife, family members.

25 Q. Anyone else?

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1 ALBERTY PAUL

2 A. No, that's all.

3 Q. What family members have you
4 discussed this case with?

5 A. Well, my deceased brother.

6 Q. Is that -- and that's?

7 A. That's my nephew's father. My
8 deceased brother is my nephew's father
9 Anthony Andre Paul.

10 Q. So Anthony Andre Paul, Senior is
11 your brother?

12 A. Right.

13 Q. Who has passed away, correct?

14 A. Passed away, yes.

15 Q. When did he pass away?

16 A. March 27, 2018.

17 Q. I'm sorry for your loss.

18 A. Thank you.

19 Q. Prior to his passing, what was
20 the sum and substance of the
21 conversations that you would have about
22 this case with your brother.

23 A. I'm sorry, what was that?

24 Q. What did you talk about?

25 MS. CORREA: Objection.

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1 ALBERTY PAUL

2 Answer, to the extent you're not
3 discussing attorney-client
4 privileges. I mean, anything
5 that was attorney-client related
6 because they were both
7 plaintiffs. We represented both
8 Anthony Paul as co-administrators
9 of the estate.

10 Q. I'm just talking about
11 conversations you had with just your
12 brother?

13 A. We talked about that case.

14 Q. What did you talk about?

15 A. We talked about that Anthony was
16 -- Anthony was basically killed by the
17 police.

18 Q. I understand that this may be
19 uncomfortable and I appreciate that
20 these may be sensitive topics, but did
21 you elaborate? Did you, with your
22 brother, have a theory of how that
23 happened?

24 A. Yes. And the theory is, what
25 happened is Anthony was tazerred over

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and over and over again, which
directly, as far as I'm concerned,
resulted to his death.

Q. Did any medical care provider
inform you that that, that the tasering
led to Anthony's death?

A. Any medical care provider, no.

Q. So just generally, and we'll
elaborate upon this as we go through.
But how did you reach that conclusion?

A. Because getting tazerred thirteen
times in under a minute, basically,
could kill anybody.

Q. Just generally, and I understand
the sensitivity here. How did you
learn of those circumstances? Was that
through your attorney or something
else?

A. Through my attorney.

Q. Just to be clear, for the
record, I want -- I know that it's hard
sometimes to separate where you learned
different pieces of information. But I
don't want to infringe upon

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2 attorney-client privilege. So if
3 there's something you feel that may
4 infringe upon that, let me know, okay?

5 A. Okay.

6 Q. Do you recall anything else
7 about what you would discuss with just
8 your brother about this case, before he
9 passed away?

10 A. No, I don't actually, no.

11 Q. Do you recall discussing with
12 him anything about the treatment at the
13 hospital before Anthony passed?

14 A. No.

15 Q. Other than your brother, what
16 family members have you discussed this
17 case with?

18 A. My sister and my other brother,
19 my younger brother.

20 Q. Is that everybody that you
21 discussed this with?

22 A. Yes, that's everybody.

23 Q. And your wife, correct?

24 A. Right.

25 Q. Just for clarity, I'm just going

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ALBERTY PAUL

to hash out a little bit of a family
tree so we can understand who we are
speaking about the relationship amongst
the family, okay?

A. Okay.

Q. So the decedent was your nephew,
correct?

A. Yes.

Q. Who are your parents?

A. You want their names?

Q. Yes.

A. Charles Paul and Martine Paul.

Q. You had your brother, who was
Anthony Andre Paul, Senior, correct?

A. Yes.

Q. What was his date of birth, if
you know?

A. June 11, 1965.

Q. What is your date of birth?

A. September 23, 1969.

Q. You have a third brother, is
that correct?

A. Yes.

Q. Also by Charles and Martine?

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1 ALBERTY PAUL

2 A. Yes.

3 Q. What is your other brother's
4 name?

5 A. Gary Paul.

6 Q. What's his date of birth?

7 A. June 14, 1971.

8 Q. Do you have any other siblings?

9 A. I have a sister.

10 Q. What's your sister's name?

11 A. Marlyn Abrahams.

12 Q. What's her date of birth?

13 A. December 12, 1962.

14 Q. Do you have any other siblings?

15 A. No.

16 Q. Did you, at any other time, have
17 any other siblings?

18 A. No.

19 Q. You are married, is that
20 correct?

21 A. Yes.

22 Q. What's your wife's name?

23 A. Lilly, L-I-L-L-Y.

24 Q. Maiden name, Roble?

25 A. Robles, right.

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2 Q. When were you married?

3 A. December 1, 2018.

4 Q. Congratulations!

5 A. Thank you very much.

6 Q. Do you have any children?

7 A. Yes, three children.

8 Q. What are their names and ages,

9 if you would be so kind?

10 A. My first child, her name is

11 D.P., she's deceased. And then I have

12 my son E.P., he's 15, and A.P, 11.

13 MS. CORREA: Could we please

14 use the initials of the children

15 on the record.

16 MS. DRUMMOND: Yes, with

17 the understanding -- thank you

18 for providing that information.

19 With the understanding that for

20 for the record, any minor shall

21 be denoted by their first and

22 last initial, any date of births,

23 given this deposition for anyone,

24 we can just have the year on the

25 record.

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1 ALBERTY PAUL

2 Q. But you would still give the
3 full details to me.

4 MS. SCHARFSTEIN: Wouldn't
5 it be easier to have the
6 information on the record and
7 indicate that the portion is
8 confidential?

9 MR. CORREA: I would prefer
10 to use initials for the minors.

11 MS. DRUMMOND: I think she's
12 speaking of the dates of birth.
13 Do you have an objection?

14 MS. CORREA: I don't have an
15 objection to marking that as
16 confidential. But for the minors
17 I want initial.

18 MS. SCHARFSTEIN: Then what
19 I would rather do, if you want to
20 do initials on the record, if you
21 could followup with a letter or
22 written document. Just so that
23 we'll all have it for the record,
24 and provide that information, if
25 you don't want it on the record.

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2 MS. CORREA: Okay, but it's
3 not going to be on the record? I
4 just want the minor initials.
5 And then, if you want a letter or
6 if you want to confirm that these
7 are the names of the individuals
8 that could happen.

9 MS. SCHARFSTEIN: Yes. So
10 maybe when you get the transcript
11 and Mr. Paul reviews it, you
12 could return it with a letter
13 just filling in the full
14 information you don't want on the
15 record.

16 MS. CORREA: So any requests
17 that you have for information
18 after the deposition, just put it
19 writing.

20 MS. SCHARFSTEIN: Do you
21 need a letter, an e-mail?

22 MS. CORREA: An e-mail is
23 sufficient.

24 MS. SCHARFSTEIN: Okay,
25 that's fine.

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2 MS. DRUMMOND: Just to make
3 clear, for the record, regarding
4 birthdays, the identification of
5 any minors will be first and last
6 initials.

7 MS. SCHARFSTEIN: I just
8 want to make sure we have an
9 agreement. I'll make a written
10 request for you, that's fine. I
11 just want to make sure that we
12 have an agreement as to how we're
13 going to proceed because we're in
14 the deposition now and we're
15 basically agreeing.

16 MS. CORREA: Yes, you're
17 going to provide a written
18 request and we're going to
19 respond.

20 MS. SCHARFSTEIN: Well, I'm
21 not --

22 MS. CORREA: That's what you
23 just said.

24 MS. SCHARFSTEIN: Well, I
25 will provide a written request

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1 ALBERTY PAUL
2 but I'm not going to agree to not
3 have this information on the
4 transcript unless I have your
5 assurance that it will be
6 provided outside of the
7 transcript.

8 MS. CORREA: And I've asked
9 that you followup and we will
10 provide that information once you
11 followup after the deposition.

12 MS. SCHARFSTEIN: Yes,
13 that's fine. It sounded as
14 though you were saying, if I
15 followup you would consider it
16 and I just want to make sure that
17 --

18 MS. CORREA: Well, with
19 respect to that, whatever
20 requests be on the record, I just
21 ask that you followup in writing.

22 MS. SCHARFSTEIN: So long as
23 we have an agreement that you're
24 going to provide that information
25 that you don't want in the

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2 transcript, outside of the
3 transcript.

4 MS. CORREA: In response to
5 your request.

6 MS. SCHARFSTEIN: Yes,
7 that's what I'm requesting. I'm
8 only agreeing to not have it on
9 the transcript with that
10 condition.

11 MS. CORREA: Okay.

12 MS. SCHARFSTEIN: Thanks.

13 Q. Do you have any children with
14 Lilly?

15 A. No, I do not.

16 Q. Were you married prior to being
17 married to Lilly?

18 A. Yes.

19 Q. Who is that?

20 A. Her name is Joy Miskelly,
21 M-I-S-K-E-L-L-Y.

22 Q. For what time period were you
23 married to Miskelly?

24 A. From 1997 to 2013.

25 Q. Are all three of your children

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2 with Miskelly?

3 A. Yes.

4 Q. Or were. I apologize, and my
5 condolences for D.P.

6 A. Thank you very much.

7 Q. Just generally, what were the
8 circumstances of your brother's death?

9 A. My brother's death, cancer,
10 colon cancer.

11 Q. Are your parents alive?

12 A. No.

13 Q. When did they pass away?

14 A. My father passed away in 2007.
15 My mom passed away in 2013.

16 Q. Just generally, what were the
17 circumstances of your father's death?

18 A. Car accident.

19 Q. Generally, your mothers's
20 passing?

21 A. Stroke.

22 Q. Was your brother married?

23 A. Yes.

24 Q. Who was he married to?

25 A. You're talking about my older

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1 ALBERTY PAUL

2 brother?

3 Q. Excuse me. I'm talking about

4 Anthony Andre Paul, Senior. Sorry.

5 A. Yes, he was married, yes.

6 Q. Who was he married to?

7 A. His wife's name is Sheryl.

8 Q. Were they married up until the
9 time of his passing?

10 A. Yes.

11 Q. When did they get married?

12 A. 1992.

13 Q. Did they have children?

14 A. Yes.

15 Q. Who were their children?

16 A. Ashley Paul and Andre Paul.

17 Q. And their date of birth, if you
18 know them?

19 A. Ashley's date of birth is
20 November 13th. I don't recall the
21 year. And Andre's date of birth is
22 April 15th, and I don't recall the
23 year.

24 Q. How old are they now?

25 A. Andre just turned -- you know

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1 ALBERTY PAUL

2 what, I'm really not sure.

3 Q. Just to the best of your
4 recollection. You could approximate.

5 A. 22, 21, 21, 20.

6 Q. And they're about a year apart?

7 A. Early 20's. Yes, I'm pretty
8 sure.

9 Q. Did Mr. Anthony Andre Paul,
10 Senior have any other children?

11 A. Yes, he did.

12 Q. Who were they?

13 A. Anthony Andre Paul the second,
14 the deceased.

15 Q. No, the Senior, your brother.
16 Did your brother have any other
17 children?

18 A. My brother, Anthony Andre Paul,
19 Senior?

20 Q. Yes?

21 A. Yes, he had two other children.

22 Q. Who were his other children?

23 A. Anthony Andre Paul the second.

24 Q. I'm sorry, I just probably
25 didn't understand that you were

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1 ALBERTY PAUL

2 answering. I thought you were asking
3 for clarification.

4 A. I'm sorry.

5 Q. Thank you.

6 A. You're welcome.

7 Q. And?

8 A. And Michelle.

9 Q. Michelle Paul, correct?

10 A. No, she's married. Her last
11 name is Charles.

12 Q. What was Anthony Andre Paul the
13 second's date of birth, if you know?

14 A. May 25, 1986.

15 Q. And Michelle's?

16 A. January 30, 1988.

17 Q. Who was Michelle's mother?

18 A. Her name -- she's deceased. Her
19 name is June Dickerson.

20 Q. Was Ms. June Dickerson also
21 Anthony Andre Paul the second's mother?

22 A. Yes.

23 Q. Was Mr. Anthony Andre Paul
24 Senior married to Ms. Dickerson?

25 A. No.

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1 ALBERTY PAUL

2 Q. Was he ever married to anyone
3 besides Sheryl?

4 A. No.

5 Q. Do you know when Ms. Dickerson
6 passed away?

7 A. 2004.

8 Q. Do you know, generally, the
9 circumstances leading to her death?

10 A. I think that was cancer.

11 Q. Did Mr. Anthony Andre Paul the
12 second have any children?

13 A. No.

14 Q. Was he married, at any point?

15 A. No.

16 Q. Are you aware of any significant
17 romantic relationships that he had?

18 A. No, I'm not.

19 Q. He never talked about any
20 girlfriends with you?

21 A. Yes, but you said significant.

22 Q. Okay, fair enough. Does
23 Michelle have any children?

24 A. Yes.

25 Q. Who are her children?

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2 A. She has a daughter named Kally
3 and a son named James.

4 Q. Who is she married to?

5 A. James Charles.

6 Q. Has she been married to anyone
7 else?

8 A. No.

9 Q. Are Kally and James her only
10 children?

11 A. Yes.

12 Q. What are their ages, generally?

13 A. What's today? Today's the 19th.
14 Tomorrow is Kally's birthday. She'll
15 be either 3 or 4. And it bothers me
16 because I can never remember. I always
17 think she's older than she is. So
18 she's either three or four tomorrow.
19 And James was born the 16th of
20 September, 2018.

21 Q. Just to finish this out, is Gary
22 married?

23 A. Yes.

24 Q. Who is he married to?

25 A. Kiesha James. Actually, Kiesha

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Paul, sorry. Her maiden name was
James.

Q. When were they married?

A. They were married September
19th, 2002.

Q. Has he been married to anyone
else, previously?

A. No.

Q. Do they have children?

A. Yes.

Q. Who were their children?

A. They have a daughter. Her name
is Taylor.

Q. How old is she, to the best of
your approximation?

A. Taylor is 13.

Q. That's her only child?

A. Yes.

Q. Is Marlyn married?

A. Yes.

Q. Who is she married to?

A. Anthony Abrahams. Do you know
Anthony Abrahams?

Q. No, I was just noting another

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1 ALBERTY PAUL

2 Anthony in the family.

3 A. Yes, we have a lot.

4 Q. Anthony Abrahams, okay. When
5 were they married?

6 A. They were married in 1986,
7 September 6, 1986.

8 Q. Did they have children?

9 A. Three children.

10 Q. Who are they?

11 A. Martina, Britney and Joshua.

12 Q. How old are they?

13 A. Joshua turned 22 yesterday.

14 Britney is 25, Martina is 28.

15 Q. It's a big family.

16 A. Yes.

17 Q. Would you describe your family
18 as close?

19 A. Yes, I would say so.

20 Q. Do you celebrate most birthdays
21 and holidays together?

22 A. Maybe half and half.

23 Q. So for instance, for Christmas,
24 what are, like, the family plans?

25 A. My personal family plan?

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1 ALBERTY PAUL

2 Q. Yes, who are you seeing?

3 A. I will be with my children, my
4 two boys, my wife and one of my wife's
5 daughters.

6 Q. When is the last time you saw
7 your siblings?

8 A. What's today, Wednesday?
9 Saturday. Just this past Saturday.

10 Q. What was the occasion --

11 A. I'm sorry. I saw one sibling
12 this past Saturday and the saw the
13 other sibling December 1.

14 Q. Who did you see on Saturday?

15 A. My sister.

16 Q. What were you guys up to?

17 A. We were celebrating her
18 birthday.

19 Q. Who was there?

20 A. I was there, my wife was there,
21 my sister and her husband was there,
22 her son Joshua and some other family
23 members.

24 Q. What about when you last saw
25 Gary?

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1 ALBERTY PAUL

2 A. December 1st.

3 Q. What were you up to then?

4 A. That was my wedding.

5 Q. I'm sorry, of course. Marlyn
6 didn't come?

7 A. No, she was there.

8 Q. Oh, okay.

9 A. But that was just the last time
10 I saw Gary.

11 Q. Got you. You saw her more
12 recently?

13 A. I saw her more recently, this
14 past Saturday.

15 Q. Got you. What's your social
16 security number? With the
17 understanding that the last four digits
18 are the only thing that's going to be
19 on the record.

20 A. You want the whole thing or just
21 the last four digits.

22 Q. The whole thing?

23 A. --- -- 1107.

24 Q. Do you know Anthony Andre Paul
25 the second's social security number?

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1 ALBERTY PAUL

2 A. No.

3 Q. Do you know your brother's
4 Social Security number?

5 A. No.

6 Q. By that I mean the deceased
7 brother?

8 A. No.

9 Q. So you were born on --

10 A. September 23rd.

11 Q. 1969. Where were you born?

12 A. Brooklyn.

13 Q. Where was Anthony Andre Paul the
14 second born?

15 A. He was born in Rockland County,
16 New York.

17 Q. And you currently reside at
18 22-26 80th Street, East Elmhurst,
19 correct?

20 A. Yes.

21 Q. How long have you lived there?

22 A. Since 2012.

23 Q. Who lived there with you?

24 A. My wife, Lilly.

25 Q. And you do not have children?

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1 ALBERTY PAUL

2 A. I have two boys.

3 Q. I'm sorry. Your children from a
4 previous marriage, do they live with
5 their mom?

6 A. They live with their mom during
7 the week. They live with me every
8 weekend.

9 Q. Has anyone, besides your wife,
10 ever lived with you at that address?


11 A. No.

12 Q. Besides your children every
13 weekend, correct?

14 A. Correct.

15 Q. Did you ever live with Anthony
16 Andre Paul the second in the same
17 residence?

18 A. No.

19 Q. Prior to 
20 where did you live?

21 A. 9717 Avenue M, Brooklyn.

22 Q. Who did you live there with?

23 A. My ex-wife and my two boys.

24 Q. How long did you live there?

25 A. We moved there in '04, and I

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ALBERTY PAUL

moved out in 2011. Seven years.

Q. When your brother Anthony Andre
Paul passed away, where did he live?

A. Florida.

Q. Do you know the address?

A. No.

Q. Have you ever been to visit him
in Florida?

A. Yes.

Q. When was the last time, prior to
his passing, that you went visit him in
Florida?

A. I only visited him the one time
and I would say that was probably,
maybe, I don't know, 2010. I'm really
not sure.

Q. So fairly soon after he had
moved to Florida? Would that be
accurate?

A. Yes.

Q. Just generally, what was the
reason for that visit?

A. Well, my mother was there with
him and I just went down to see. I

Alberty Paul
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1 ALBERTY PAUL
2 just went down to see where he was
3 living and where my mother was.

4 Q. Was your mother living with him?

5 A. No, she was visiting.

6 Q. I see. How long did you stay?

7 A. Two days.

8 Q. Prior to him moving to Florida,
9 where did you brother live? Your
10 brother Anthony Andre Paul, Senior?

11 A. Where did he live? He lived
12 numerous places. But just before
13 moving to Florida he was living in
14 Rockland County, New York.

15 Q. Is that the most accurate you
16 could with that?

17 A. Yes, because I can't really
18 remember. Like I said, he moved around
19 a lot.

20 Q. This is your brother, not your
21 nephew, right, that you're speaking
22 about?

23 A. Yes, my brother Anthony Andre
24 Paul, Senior.

25 Q. So just to finish that thought,

Alberty Paul
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ALBERTY PAUL

when did your nephew pass away?

A. July 2, 2015.

Q. Prior to his passing, where was
your nephew living?

A. In the Bronx.

Q. Do you know where?

A. I don't recall the address but
yes, I do know where. I just don't
know the address.

Q. To the best of your ability, how
would you describe where he was living?

A. He was living at a three quarter
house.

Q. How long had he been living
there, to your knowledge?

A. About a year. Maybe a little
less.

Q. Prior to that, where was your
nephew residing?

A. At a halfway house in the Bronx.

Q. Do you know what halfway house
that was called or where it was?

A. The halfway house?

Q. Yes.

Alberty Paul
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1 ALBERTY PAUL

2 A. No. I know it was on Morris
3 Street. I believe it was on Morris
4 Street. I don't know what the name of
5 it was or is.

6 Q. How long had he been living in
7 the halfway house, to your knowledge?

8 A. About a year. Maybe a little
9 bit more.

10 Q. Prior to living in the halfway
11 house, in the Bronx, where was your
12 nephew residing?

13 A. He was in Virginia.

14 Q. Was he in prison in Virginia?

15 A. Yes.

16 Q. How long was he there?

17 A. Four years.

18 Q. Do you remember the name of the
19 prison?

20 A. No.

21 Q. I'm just going to get an outline
22 and then I'll go back to these time
23 periods, okay.

24 Prior to your nephew being
25 incarcerated in Virginia, where was he

Alberty Paul
December 19, 2018

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1 ALBERTY PAUL

2 residing?

3 A. Rockland County.

4 Q. Rockland County Correctional
5 facility?

6 A. No.

7 Q. Where was he residing?

8 A. I don't know. I don't have the
9 address.

10 Q. How long -- when you say
11 Rockland County, was he living in a
12 residence, an apartment?

13 A. In an apartment, I believe. He
14 -- I'm try to think of the name of the
15 development. It was called Fred Hecht
16 Houses.

17 Q. Is that just the name of the
18 apartment complex or is that a city
19 facility?

20 A. Name of the apartment complex.

21 Q. How long had he been there?

22 A. I don't know.

23 Q. Did you ever visit him there?

24 A. Yes, I did.

25 Q. Was he living alone or with

Alberty Paul
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1 ALBERTY PAUL

2 someone else?

3 A. No, he was living there with his
4 sister.

5 Q. With Michelle?

6 A. Yes.

7 Q. Was it Michelle's apartment or
8 did they both share the rent, to your
9 knowledge, or something else?

10 A. I don't really know what the
11 circumstances were. The apartment was
12 their mother's and she passed away. So
13 I think they continued to live there.

14 Q. Did your brother, their father,
15 reside with them at that apartment?

16 A. He did for a while.

17 Q. But then he moved out?

18 A. When he was with their mother.

19 Q. When did your brother move out
20 of the apartment in Rockland County,
21 Hecht Houses.

22 A. I really don't remember.

23 Q. Can you approximate?

24 A. Maybe around 1990, 1991.

25 Q. Just generally, to the best of

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ALBERTY PAUL

your knowledge, from what he told you,
what were the circumstances of him
leaving that residence?

A. Him and Anthony and Michelle's
mother was no longer seeing eye to eye,
no longer together.

Q. How old were Michelle and
Anthony when he left the residence?

A. Well, Anthony was born in '86
and I'm estimating that he left around
1900, 1991. So that would make him 4,
5 years old.

Q. Michelle is just a bit older,
right?

A. Michelle is younger.

Q. I'm sorry.

A. She's born '88. That's okay.
She's born in 1988.

Q. At any point after she left that
residence did your nephew or Michelle
live with their father on any regular
basis?

A. Yes, they did.

Q. When was that?

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1 ALBERTY PAUL

2 A. Well, my brother, my older
3 brother got married in '92.

4 Q. Sorry, we're talking about their
5 father, right?

6 A. Right.

7 Q. Sorry. The family tree is just
8 new to me.

9 A. Yes, it's tough to keep track.
10 Yes, he got married in '92 to Sheryl
11 and Anthony and Michelle were his two
12 first children that he had with June
13 Dickerson. They were living with their
14 father in Haverstraw, Rockland County.
15 I don't know the dates. But they did
16 live with him for a while. They were
17 kind of going back and forth between
18 him and their mom.

19 Q. So generally, you would describe
20 that after your brother left the family
21 home with June --

22 A. Right.

23 Q. Their children, Anthony and
24 Michelle were going back and forth
25 between the homes that they established

Alberty Paul
December 19, 2018

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1 ALBERTY PAUL

2 separately, is that right?

3 A. That's right.

4 Q. Why, to the best that you can
5 describe, was that the arrangement?

6 A. My brother Anthony and June
7 Dickerson, their relationship was up
8 and down. And so they, you know, I
9 mean, I had nothing to do with it. It
10 has zero to do with me, but I do know
11 that because of that the kids, kind of,
12 bounced around from the two homes.

13 Q. Was that the choice of the
14 children or their parents?

15 A. Parents.

16 Q. Was anything about the
17 children's behavior precipitous of that
18 arrangement?

19 A. Not that I know of.

20 Q. That was based on the parents
21 relationship?

22 A. Their dealings, yes.

23 Q. So when, to the best -- just so
24 I can form a timeline. When did
25 Anthony go to Virginia, your nephew?

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1 ALBERTY PAUL

2 A. He got out in 2013. He was
3 there for four years. So that would
4 have him going in 2009.

5 Q. Just prior to him being
6 incarcerated in Virginia, was he living
7 in another institution or was he living
8 in the community?

9 A. I don't really know where he was
10 living. So I can't tell you. I don't
11 know.

12 Q. Prior to his incarceration in
13 Virginia, was Anthony in jail or prison
14 at any point prior to that?

15 A. He did spend some time in the
16 Rockland County correctional facility.
17 I don't know the times.

18 Q. Obviously, today at the
19 deposition I can only ask what you
20 recall or know. But to the best of
21 your knowledge, was he in and out of
22 that facility multiple periods, or was
23 in for a continuous period of time?

24 A. I have no idea.

25 Q. Why is it that you don't know?

Alberty Paul
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1 ALBERTY PAUL

2 A. Because during that period I
3 didn't have much contact with Anthony
4 Andre Paul the second.

5 Q. Why is that?

6 A. No specific reason. You know, I
7 was living my life. He is my nephew.
8 I love my nephew. But there wasn't
9 very much contact.

10 Q. Did you go to visit him in
11 Rockland?

12 A. Where? In jail?

13 Q. Yes.

14 A. One time.

15 Q. One time?

16 A. Yes.

17 Q. And I understand that you can't
18 recall specifically, but can you
19 approximate when your nephew was in
20 Rockland County Correctional?

21 A. The one time that I visited him,
22 I really don't know. I don't want to
23 say anything. Whatever I tell you is
24 -- the chances are wrong. I really
25 don't know.

Alberty Paul
December 19, 2018

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1 ALBERTY PAUL

2 Q. Early 2000? Can you approximate
3 how long it was before he went to
4 Virginia?

5 A. It was a few years before
6 Virginia. Let me think. He must have
7 been around 18, maybe 17, or 18. So if
8 he was born in '86, he was 18 in '94.

9 Q. '86, '96.

10 A. I'm sorry, '04. He was 18 in
11 '04. So I would say it was probably
12 '03, '04.

13 Q. Other than Rockland County
14 Correctional and the facility in
15 Virginia, had your nephew been
16 incarcerated or in jail at any point,
17 other than that, to your knowledge?

18 A. No.

19 Q. Had he lived in a group home
20 upstate at any point, to your
21 knowledge?

22 A. You know what, I think so. I
23 think so.

24 Q. Was that prior to Rockland when
25 he was younger?

Alberty Paul
December 19, 2018

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1 ALBERTY PAUL

2 A. Prior to Rockland what?

3 Q. Fair enough. Did he reside in a
4 group home, to the best of your
5 recollection, prior to him going to
6 Rockland County Correctional.

7 A. To the best of my -- yes. I
8 think so. But it would have been
9 before going to Rockland County
10 Correctional, yes.

11 Q. Do you remember why he would
12 have gone to live in a home in upstate?

13 A. No.

14 Q. Did he live with your mother at
15 any point, your nephew?

16 A. Right. No.

17 Q. Did he live with another
18 grandma, at any point, to your
19 knowledge?

20 A. Well, his mother's grandmother
21 lived with his mother.

22 Q. His mother's mother?

23 A. He lived with his mother, yes.
24 His mother's mother. So while living
25 with his mama there was time when the

Alberty Paul
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1 ALBERTY PAUL

2 grandma was living there as well.

3 Q. June passed away --

4 A. In '04.

5 Q. So after '04, was there a period
6 of time that your nephew lived with
7 June's mother, his grandmother, without
8 the mom, without your nephew's mom?

9 A. No. There might have been a
10 time when he did live with my mom, only
11 because they were back and forth and
12 there was a lot going on. And there
13 might been a time, although I was not
14 around, so I can't say for sure.

15 Q. Who lives in Spring Valley?

16 A. That's where I grew up.

17 Q. Is that your mom?

18 A. Spring Valley is in Rockland
19 County.

20 Q. What's your mother's address?

21 A. The address in Rockland County,
22 Spring Valley was 1 Charlotte Place.

23 Q. 1 Charlotte Place?

24 A. Yes.

25 Q. Did your nephew live there, at

Alberty Paul
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1 ALBERTY PAUL

2 any time? Does speaking about it
3 refresh your recollection?

4 A. That's what I'm saying because
5 my nephew and niece, Anthony and
6 Michelle, they were going back and
7 forth between my mother and my father.
8 There was a lot going on. Knowing my
9 mother, I'm sure she stepped in at one
10 point, took the kids. If they stayed
11 with her, again, by then I was gone, so
12 I'm really not sure.

13 If they stayed with her, it
14 wasn't long. But there was a lot going
15 on. Anthony and Michelle were bounced
16 around a lot as minors, unfortunately.

17 Q. Because their parents had
18 separated or something else that you
19 can articulate?

20 A. Because their parents had
21 separated.

22 Q. Was Michelle ever incarcerated?

23 A. I don't know.

24 Q. You don't know?

25 A. I don't know.

Alberty Paul
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1 ALBERTY PAUL

2 Q. Have you ever asked her?

3 A. No.

4 Q. Is there a reason why you
5 wouldn't ask her that?

6 A. No, I just haven't asked her.

7 Q. Do you have a relationship with
8 Michelle?

9 A. Yes, kind of. I mean, we don't
10 speak often. But I know she lives in
11 Florida now. I know she just had a kid
12 in September, you know, so.

13 Q. So where is Michelle living now?

14 A. Florida, West Palm Beach.

15 Q. Prior to living in West Palm
16 Beach, where was she living?

17 A. In Spring Valley, Rockland
18 County.

19 Q. So no longer in the Hecht
20 Houses, is that correct?

21 A. I don't know where she was
22 living in Spring Valley. I do know she
23 lived in the Fred Hecht Houses before
24 she moved to Florida. I don't know
25 where in Spring Valley she was living.

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1 ALBERTY PAUL

2 Q. Have you ever spoken with
3 Michelle about this case?

4 A. No.

5 Q. Is there a reason for that?

6 A. Well, when her brother died,
7 okay, Michelle, she, matter of fact,
8 she was here. And other than that
9 day, what happened, we were running
10 around. I haven't really had any
11 conversation with Michelle about
12 Anthony's death or what happened to
13 him.

14 Q. So since early July, or maybe
15 even just the 1st or 2nd, you haven't
16 spoken to Michelle about her brother's
17 passing, is that accurate?

18 A. That's pretty accurate, right.

19 Q. Is she aware of this lawsuit?

20 A. Yes.

21 Q. How do you know that?

22 A. Because she was here with her
23 father. I know that she's aware of the
24 lawsuit. The whole family is aware
25 of the lawsuit.

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1 ALBERTY PAUL

2 Q. But how do you know?

3 A. How do I know that Michelle is
4 aware of the lawsuit?

5 Q. Yes.

6 A. Because I just know that she
7 knows. I mean, everybody in the
8 family knows when Anthony passed. It
9 was a big deal. Everyone in the family
10 knows.

11 Q. Prior to your nephew going to
12 Rockland Correctional Facility, it's my
13 understanding, correct me if I'm wrong
14 because I'm just learning this. That
15 you weren't particularly close to him
16 in that period of time, is that right?

17 A. That's right. I wasn't close to
18 him in the form of contact with one
19 another, right.

20 Q. Did you speak with him over the
21 phone prior to him going to Rockland
22 County Correctional Facility on any
23 regular basis?

24 A. No.

25 Q. When, to the best you can